

# **EXHIBIT 5**

1 THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF OHIO  
3 EASTERN DIVISION

4 IN RE: NATIONAL :  
5 PRESCRIPTION OPIATE : MDL NO. 2804  
6 LITIGATION :  
7 -----

8 : CASE NO.  
9 THIS DOCUMENT : 1:17-MD-2804  
10 RELATES TO ALL CASES: Hon. Dan A. Polster

11 - - -  
12 Friday, April 26, 2019

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14 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER  
15 CONFIDENTIALITY REVIEW

16 - - -  
17 Videotaped deposition of DAVID A.  
18 KESSLER, M.D. (Day 2), taken pursuant to  
19 notice, was held at Baron & Budd, 600 New  
20 Hampshire Avenue NW, Floor G, Washington, DC  
21 20037, beginning at 8:07 a.m., on the above  
22 date, before Lisa V. Feissner, RDR, CRR, Notary  
23 Public.

24 - - -  
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15 GERARD MAGLASANG, Legal Assistant  
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2 I N D E X  
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4	Testimony of: DAVID A. KESSLER, M.D.	
5	By Mr. Davis	432
	By Ms. Laurendeau	525
6	By Mr. Gallagher	633
	By Ms. Feinstein	659
7	By Ms. Levy	697

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9 - - -  
10 E X H I B I T S  
11 - - -

	KESSLER		
12	EXHIBIT NO.	DESCRIPTION	PAGE
13	12	Clinical Development & Education, 1998 Mid-Year Update on Goals & Objectives, Linda A. Kitlinski ENDO-OPIOID_MDL-05967764 - 05967774	456
14			
15	13	Clinical Development & Education, 1999 Objectives, Linda A. Kitlinski ENDO-OPIOID_MDL-03258200 - 03258202	461
16			
17	14	Kessler large-format sheets Endo	466
18			
19	15	Opana ER label dated February 2008	485
20			
	16	Opana ER Kit ENDO-CHI_LIT-00541205 - 00541210	489
21			
22	17	Letter from Skariah to Best re: NDA #201655 Reference ID: 3124026 ENDO-OR-CID-000768706 - 00768711	499
23			

— — —

(It is hereby stipulated and agreed

by and among counsel that sealing,

filing and certification are waived; and

that all objections, except as to the

form of the question, will be reserved

until the time of trial.)

— — —

VIDEO OPERATOR: Today's

April 26th. The time is 8:07 a.m., and

we are now on the record.

This is the continuation of the

deposition of David A. Kessler, M.D.,

and he has been previously sworn in.

You may proceed.

MR. DAVIS: Thank you.

DAVID A. KESSLER, M.D.,

having been previously duly sworn, was examined

and testified as follows:

## EXAMINATION

BY MR. DAVIS:

Q. Good morning, Dr. Kessler.

A. Good morning, sir.

Q. My name is Josh Davis. I represent

1 VIDEO OPERATOR: 6:06 p.m., we are  
2 off the video record.

3 (Off the record at 6:06 p.m.)  
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